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11 NEW CONTENDERS, INC. and DILLON  
12 PRODUCTIONS, INC.,

13 Plaintiffs,

14 v.

15 BRENDA OCHOA URCIAGA d/b/a/  
16 MARGARITA'S TAQUERIA, et al.,

17 Defendants.

NO. C 96-20788 RMW(PVT)

ORDER FOR JUDGMENT

RECEIVED

OCT 20 1997

MANATT, PHELPS & PHILLIPS

18 This matter came before the court by way of plaintiffs' motion for entry of final judgment by  
19 default pursuant to Federal Rule of Civil Procedure 55 against defendants Brenda Ochoa Urciaga  
20 d/b/a Margarita's Taqueria ("Urciaga"), Miguel Sandoval d/b/a Fiesta Night Club ("Sandoval") and  
21 Rosalia Herrera Friejle d/b/a El Tropical Latino Restaurant ("Friejle") for theft of cable television  
22 and video programming services in violation of the Copyright Act of 1976, 17 U.S.C. section 101 et  
23 seq. Plaintiffs filed their complaint on September 20, 1996. Defendant Urciaga was served on or  
24 around January 26, 1997. Defendant Sandoval was served on or around January 14, 1997.  
25 Defendant Friejle was served on or around January 15, 1997. Defendants failed to answer or  
26 otherwise plead. Plaintiffs have filed the declaration of Milton Chwasky on the issue of piracy and  
27 the declarations of W. Drew Kastner and Jill Pietrini on the issue of entitlement to attorneys' fees

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ORDER FOR JUDGMENT  
NO. C 96-20788 RMW  
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1 and costs. Plaintiffs further rely on their memoranda of points and authorities in support of motion.  
2 Defendants were served with notice of this motion and supporting papers by first class mail as  
3 indicated on the certificates of service. Defendants failed to file any opposition or appear at the  
4 hearing on October 10, 1997. Therefore, for good cause shown it is hereby ordered that:

5 Judgment on the complaint be entered in favor of plaintiffs and against defendants Urciaga,  
6 Sandobal and Friele;

7 Plaintiffs be awarded damages from defendants and that defendant Urciaga pay to plaintiffs  
8 the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq., defendant Sandobal pay to  
9 plaintiffs the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq., and defendant Friele pay  
10 to plaintiffs the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq.;<sup>1</sup>

11 Plaintiffs be awarded costs and attorneys fees in the following amounts:

12 Urciaga shall pay to defendants \$1,349.69 in costs and \$2,063.72 in attorneys' fees;

13 Sandobal shall pay to defendants \$1,357.50 in costs and \$2,063.72 in attorneys' fees;

14 Friele shall pay to defendants \$1,354.67 in costs and \$2040.22 in attorneys' fees;

15 Defendants and defendants' partners, officers, shareholders, employees, agents,  
16 representatives, affiliates, successors in interest and all persons in active concert or participation  
17 with defendants be permanently enjoined from the date of service of this order upon the defendants  
18 from intercepting, recording or exhibiting in any manner any New Contenders, Inc. and Dillon  
19 Productions, Inc. television programming without a license or first obtaining New Contenders, Inc.'s or  
20 Dillon Productions, Inc.'s written consent to do so from the office of New Contenders, Inc.'s or  
21 Dillon Productions, Inc.'s general counsel.

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26 1. Plaintiffs requested damages under both the Copyright Act and the Cable Communications Act.  
27 However, they may recover under either the Copyright Act or the Cable Communications Act. The  
statutory remedies are alternative remedies. Thus, the court awards damages pursuant to the Copyright  
Act only.

1 Plaintiff may apply to this court for the purpose of enforcing this order if defendants fail to  
2 comply with its terms.

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4 DATED: 10/14/97

5 *ronald m. whyte*  
6 RONALD M. WHYTE  
United States District Judge

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ORDER FOR JUDGMENT  
NO. C 96-20788 RMW  
PFC

1 Copy of Order mailed on OCT 15 1997 to:

2 Jill M. Pietrini  
3 Manatt, Phelps, Phillips  
3 11355 West Olympic Blvd.  
3 Los Angeles, CA 90064-1614

4 Paul H. Kochanski  
5 W. Drew Kastner  
6 Lerner, David, Littenberg,  
6 Krumholz & Mentlik  
6 600 South Avenue West  
7 Westfield, NJ 07090

8 Counsel for Plaintiff

9  
10 Brenda Ochoa Urciaga  
10 d/b/a Margarita's Taqueria  
11 73 Arthur Street  
11 Watsonville, CA 95076

12 Miguel Sandobal  
12 d/b/a Fiesta Night Club  
13 3840 Monterey Highway  
13 San Jose, CA 95211

14  
15 Rosalia Herrera Friejl  
15 d/b/a El Tropical Latino Restaurant  
16 757 Front Street  
16 Soledad, CA 93960

17 Defendants

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